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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JASON STEWART FERGUSON,
Petitioner,
v.
STATE OF WASHINGTON,
Respondent.

Case No. C07-5615 FDB

**ORDER FINDING REPORT AND
RECOMMENDATION MOOT AND RE-
REFERRING CAUSE OF ACTION TO
MAGISTRATE JUDGE**

The Magistrate Judge filed a Report and Recommendation recommending denial of Petitioner’s application to proceed *in forma pauperis*, as it appeared that he had sufficient funds to pay the \$5.00 filing fee. Subsequently, the docket reflects that Petitioner has paid the filing fee. At the same time, his habeas corpus petition has been filed. Petitioner having paid the filing fee, the Report and Recommendation has become moot. The matter will be referred again to the Magistrate Judge to address the petition for habeas corpus.

The Court having reviewed the Report and Recommendation of the United States Magistrate Judge, and the remaining record, does hereby find and Order:

- (1) Petitioner having paid the filing fee, The Report and Recommendation is found to be **MOOT** and is **STRICKEN** from the Court's calendar;
- (2) This matter is RE-REFERRED to the Magistrate Judge.

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(3) The Clerk is directed to send copies of this Order to Petitioner, and the Hon. J. Kelley Arnold.

DATED this 3rd day of December, 2007.


FRANKLIN D. BURGESS
UNITED STATES DISTRICT JUDGE

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